IN RE: PETITION FOR SPECIAL HEARING * E/S J M Pearce Road, 1400' SE c/l Shepperd Road 1663 J M Pearce Road 10th Election District

ZONING COMMISSIONER OF BALTIMORE COUNTY 3rd Councilmanic District CASE # 89-383-SPH

Garrett Power Varrell Power Larson, et al * Petitioners *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve or determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, age 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property, as more particularly described in Petitioners' Exhibit 1.

The Petitioners, Garrett Power, Gordon G. Power, Stephen V. Power, Varrell Power Larson and Carl A. Larson appeared, testified and were represented by J. Carroll Holzer, Esquire. Appearing on behalf of the Petitioners were Cynthia E. Riley, Robert Kellner and Neil Schechter. There were no Protestants.

The evidence in the record seems to establish that in 1948, Gordon G. Power and Ethel G. Power, his wife, acquired a 97.62 acre parcel of land on J.M. Pearce Road in the 10th District of Baltimore County. On the death of Ethel G. Power in 1969, Gordon G. Power succeeded to her interest in the parcel.

Between 1961 and 1985 a number of conveyances were made. Two of these conveyances are of particular importance to the present petition. First, by a Deed dated November 18, 1970 and recorded among the land records of Baltimore County in Liber O.T.G. No. 5144, folio 456, remainder in all of

the Pearce Road property he then owned was conveyed by Gordon Power, Stephen V. Power, Varrell Power Larson and J. Gilbert Power. Gordon G. Power therein reserved a life estate with full power to grant, convey, or

Second, in 1977, Gordon G. Power designated 28.439 acres parcel of the said property as the "Property of Gordon G. Power" on a plat recorded among the Plat Records of Baltimore County in Liber E.H.K. Jr., No. 42, folio 44. Gordon G. Powe subsequently conveyed the said 28.439 acres parcel shown on Petitioner's Exhibit No. 1 as Carl A. Larson and wife, Lot 1 to Varrell P. Larson and Carl A. Larson, her husband.

Prior to his death in November 1987, Gordon G. Power had conveyed all of the original Pearce Road parcel except for 37.411 acres. Upon his death, said 37.411 acres passed to the remaindermen, Gordon G. Power, Jr., Garrett Power, Stephen V. Power, Varrell P. Larson and J. Gilbert Power, by operation of law.

Testimony indicates that the 37.411 acres is the area shown on Zoning Commissioner's Exhibit A comprised of 3 separate parcels (1) Lot No. 1 of 21.160 acres and (2) Lot 2 of 6.433 acres and (3) the 9.818 acre parcel. All 3 parcels were shown outlined in red on Zoning Commissioner's Exhibit A. This area of land remaining inside the red line encompassed approximately 37.411 acres and was subdivided on February 9, 1988 into the three parcels of land shown on Zoning Commissioner's Exhibit A and highlighted as lot No. 1 in orange, lot No. 2 in purple and the 9.81 acre parcel of ground outlined in green as a nondensity parcel.

The entire purpose of this hearing is to obtain approval that will permit the transfer of the 9.818 acres as a nondensity transfer from the remaining properties of Gordon G. Power to Carl A. Larson and wife. In other words, this hearing is to permit the transfer of the 9.818 acre parcel outlined in the adjoining property owner to Carl A. Larson and wife as a nondensity transfer.

The Petitioners claim and testified in support of this transfer to promote active farming on the Carl A. Larson tract and to enlarge the active farming area of that particular land holding. There was a great deal of testimony concerning the agricultural productivity of these lands and the suitability of adding the lands shown in the green area on Zoning Commissioner's Exhibit A to the Larson farm. The affect of this transfer would be to allow lots 1 and 2 highlighted in orange and purple to be developed as single 'amily homesites and the enlargement of the Larson

The issue here is whether or not the combination of the 9.818 acre parcel with the contiguous Carl A. Larson tract of 28.439 acres would comply with the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) and would be consistent with the overall purpose of the RC-2 zoning classification.

Section 1A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating he R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Baltimore County Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource

To achieve this result, the R.C. classifications would: 1) discourage present land use patterns of development and dreate a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas. desirable for more intensive future development of regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. when interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of hi. property. Mayor of Balto. v. Byrd, 62 A.2d 388 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingnam Township. 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principals of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 2/6 Md. (1975), cert. denied. 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1974); Height v. State 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery, 244 Md. 93, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying {its} enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Gosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit and Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain Gatewood v. State, 244 Md. 609 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), '{a}dherence to the meaning of words does not require or permit isolation of words from their context *** {since} the meaning of the plainest words in a statute may be controlled by the context...'. In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principals to the B.C.Z.R. results in a lear finding that a nondensity transfer of land, all of which is contained in the same zone, which results in a larger tract with no

additional development rights or density, permitted. The purposes of the A.C. zone are supported by testimony in this matter in reference to the reasons for the larger tract.

The fundamental purpose of the RC-2 zone is to protect the rural character of the productive agricultural areas of Baltimore County and to prevent the urbanization of these areas and to maintain as much productive agricultural land as possibl for farming. The results of the transfer of the 9.818 acre tract to Carl A. Larson would be to increase the size of his actual farming operation. The combination of the 9.818 acre tract with the Larson 28.439 acre tract would be to create one large tract of land which would contain only two density units combined which would place all of the active agricultural lands under one title in one deed under one control and ownership, all of which would, clearly, foster the spirit of the RC-2 zone. This transfer would actually result in a large farm and would not increase density.

After due consideration of the testimony presented, there is no evidence that the Petitioners' request would be detrimental to the health, safety or general welfare of the community, if approved and granted. Furthermore, this transfer will not change the density of the area or allow for over development of the land. Actually, the transfer will facilitate the retention of an additional 9.81 acres of land in an actual farming operation. It is the opinion of the Zoning Commissioner that this transfer is consistent with the spirit and intent of the RC-2 zone as set forth in the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2 day of 100, 1989 that the request for a Special Hearing to approve the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, as a nondensity transfer, consistent with the current RC-2 zoning, and which does not increase density is consistent with the spirit and intent of the RC-2 zone of the B.C.Z.R. and, therefore, in accordance with Petitioners' Exhibit 1, the relief requested herein shall be and the same is hereby GRANTED, subject, however, to the following restrictions:

> The subject nondensity 9.818 acre +/- parcel shall be combined with the Carl A. Larson and wife, lot No. 1, of 28.439 acre +/- parcel thereby creating one 38.257 acre +/- tract with two density units which shall be properly described as such in a re-definition or confirmatory deed and recorded among the Land Records of Baltimore County. Furthermore, the re-definition or confirmatory deed shall reference zoning case 89-383-SPH and shall, clearly, state that the newly created 38.257 acre +/- tract may only be sub-divided into two lots. The re-definition or confirmatory deed shall be recorded among the Land Records of Baltimore County on or before March 1, 1990 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 15, 1990.

 The Petitioners shall have a new record plat recorded in the Land Records of Baltimore County for the newly creted 38.257 acre +/-tract with only two density units. The new record plat shall, clearly, reference zoning case No. 89-383-SPH. The new record plat shall be recorded in the Land Records of Baltimore County on or before March 1, 1990 and a copy of that record plat and proof of recordation shall be submitted to the Zoning Commissioner on or before Appl 15 1990.

Zening Commissioner for Baltimore County

JRH:mmn cc: Peoples Counsel

cc: J. Carroll Holzer, 305 West Chesapeake Avenue, Suite 105 Towson, Maryland 21204

cc: Mr. and Mrs. Carl A. Larson, 16631 Pearce Road, Monkton, Md. 21111

cc: Ms. Cynthia E. Riley, 19024 York Road, Parkton, Maryland 21120

cc: Mr. Robert Kellner, 16611 J.M. Pearce Road, Monkton, Md. 21111

cc: Mr. Neil Schechter, 233 E. Redwood Road, Baltimore, Maryland 21202

LEER B & 15 PAGE 376

8.257 acre parcel;

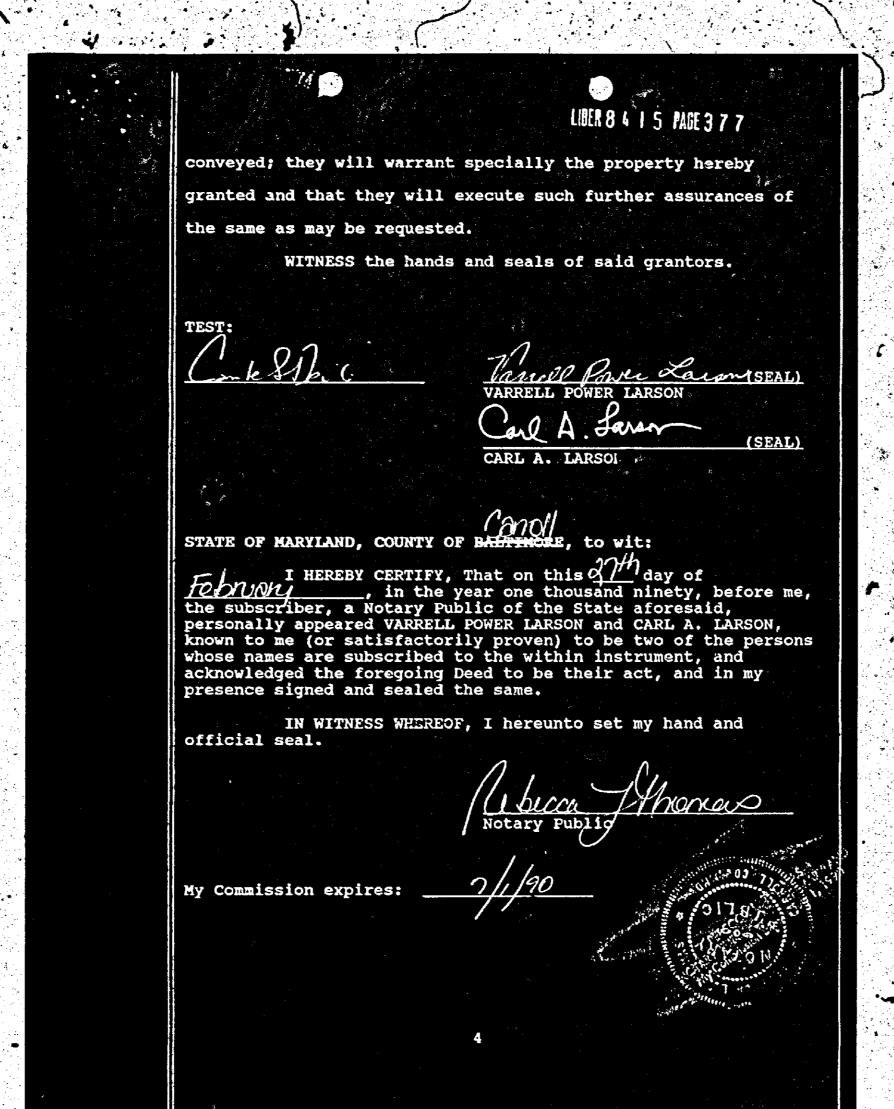
NOW THEREFORE WITNESSETH, That in consideration of no sum of money, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's Personal Representatives and assigns in fee simple, all that lot of ground situated in the 10th Election District of Baltimore County, State of Maryland and described as follows, that is to say:

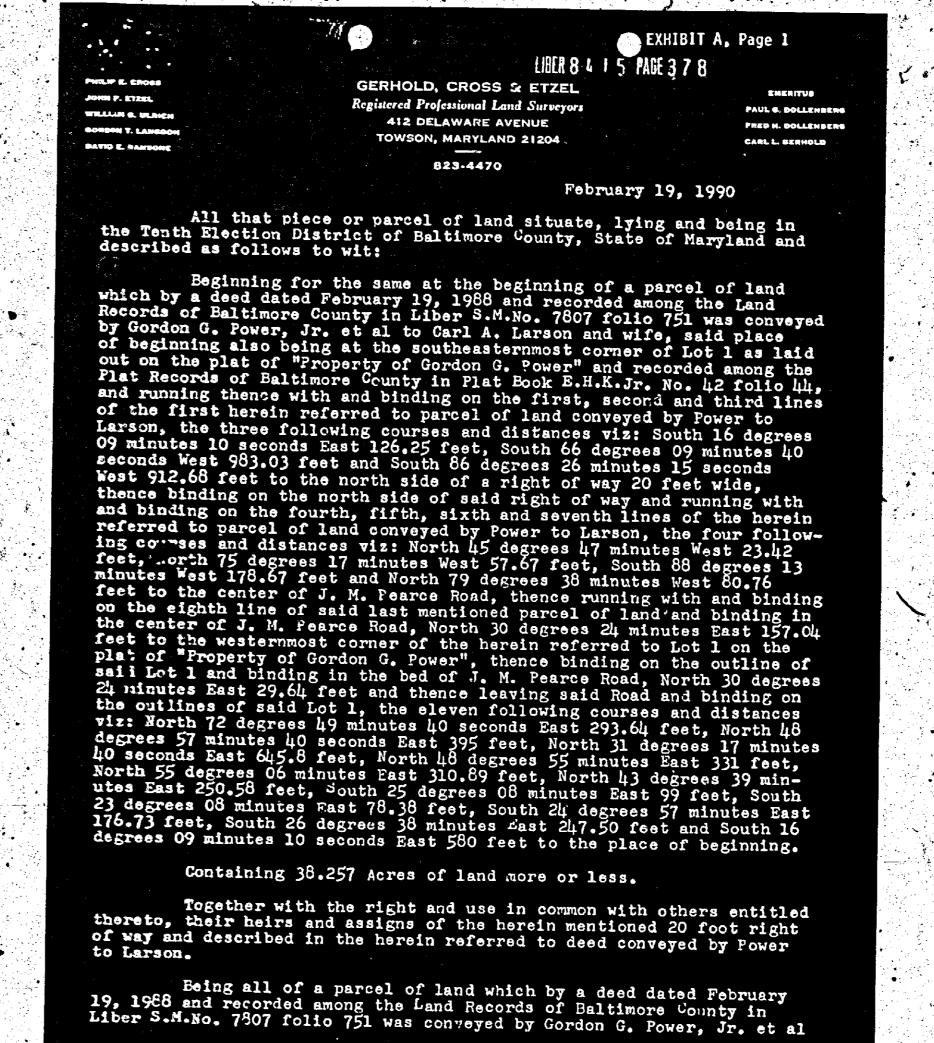
All that lot of ground described in Exhibit A attached hereto and the Plat attached hereto and marked as Exhibit B.

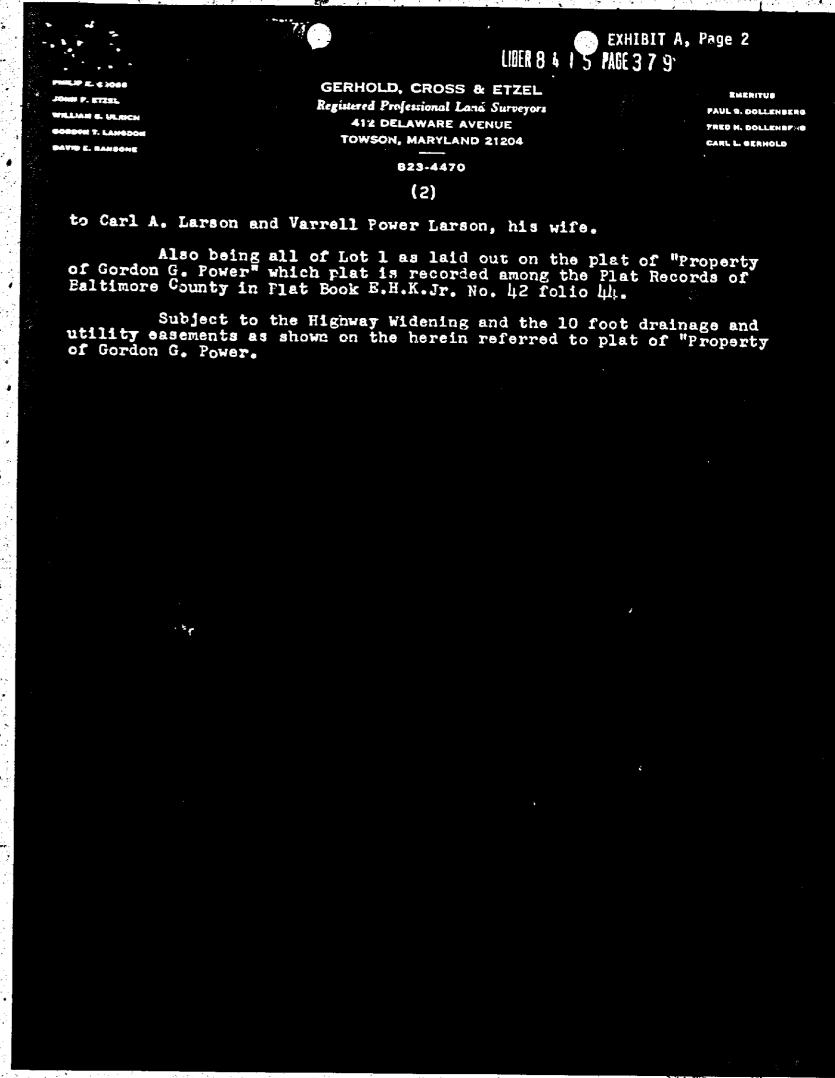
TOGETHER with the buildings thereupon and the rights alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

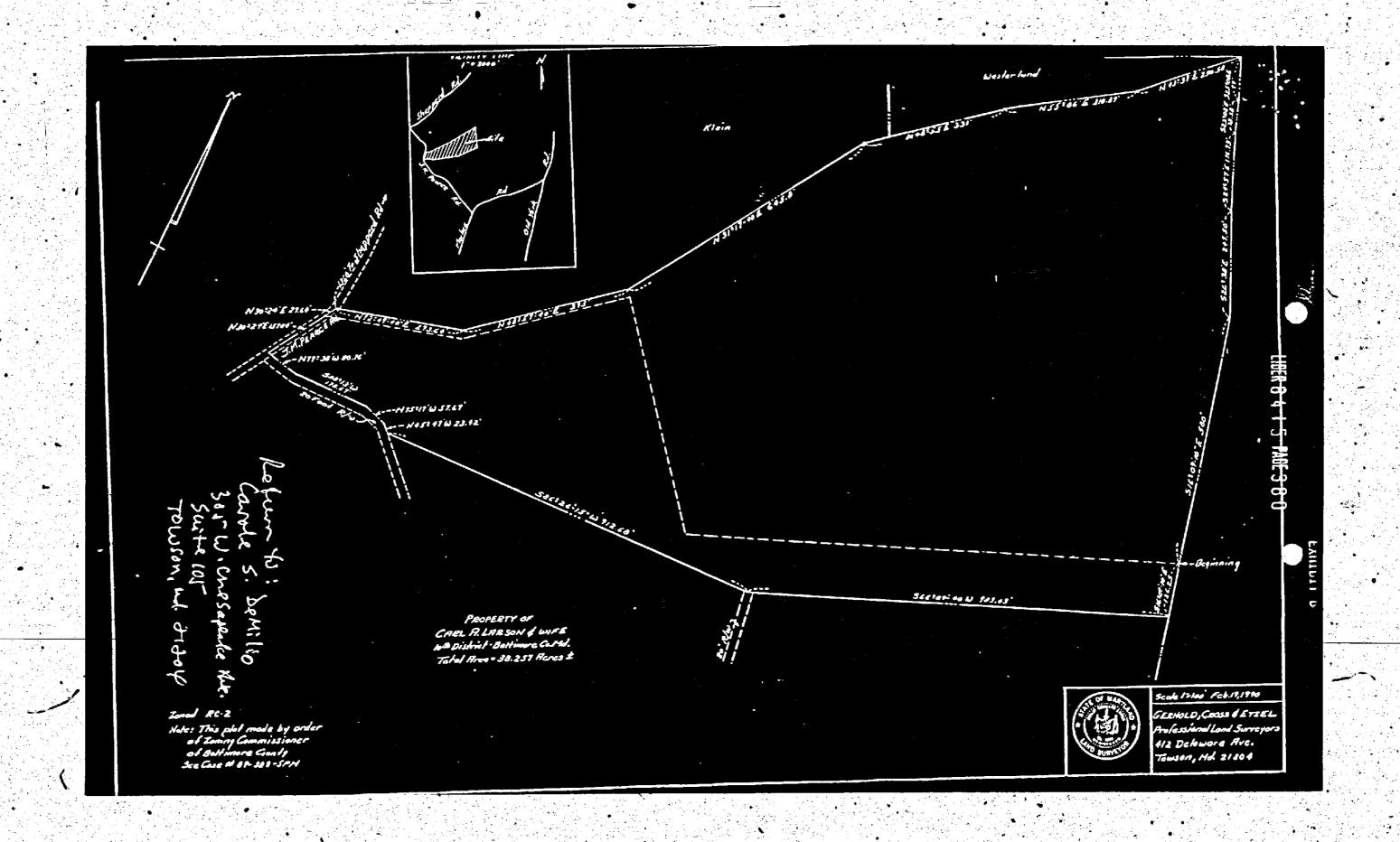
the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's Personal Representatives and assigns, in fee simple; said property having a restriction of two density units for the entire lot of ground as set forth in the description referred to above.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby









 $\Lambda\Lambda$

CARL L GERNOLD PHILIP K. CROSS JOHN F. ETZEL WILLIAM G. ULRICH

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyor. 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

and described as follows to wit:

PAUL O. DOLLENBERG PRED H. DOLLENBERG

December 22, 1986

All that piece or parcel of land situate, lying and being in

Beginning for the same at a point in the sixth or South 16

the Tenth Election District of Baltimore County, State of Maryland

degrees 09 minutes 10 seconds East 1699.50 foct line of Carcel 1 as

described in a deed dated November 18, 1970 and recorded among the

Land Records of Baltimore County in Liber O.T.G.No. 5144 folio 456

which was conveyed by Gordon G. Power to Gordon G. Power, Jr. et al,

said point of beginning being at the southeasternmost corner of Lot 1 as laid out on the plat of "Property of Gordon G. Power" and recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No.

42 folio 44 and running thence with and binding on a part of said sixth

leaving said outline and running for I les of division, the two following courses and distances viz: South 6' degrees 09 minutes 40 seconds

line, South 16 degrees 09 minutes 10 seconds East 126.25 feet, thence

West 983.03 feet to a pipe set in the center of a traveled road and a

seconds West, leaving said right of way, 912.68 feet to the north side

of a right of way now laid out, 20 feet wide, to include the existing

roadway mentioned in the deed from Richard M. Green et al to Robert C.

Kellner et al dated March 21, 1986 and recorded among the Land Records

binding on the north side of said 20 foot right of way, the four follow-

ing courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 88 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76.

feet to the center of J. M. Pearce Road and to intersect the sixteenth

mentioned parcel of land which was conveyed by Power to Power, Jr.,

thence running with and binding on a part of said sixteenth line and binding in the center of J. M. Pearce Road, North 30 degrees 24 minutes

East 157.04 feet to the westernmost corner of the herein mentioned Lot l on the plat of Property of Bordon 3. Fower and thence leaving said

J. M. Pearce Road and binding on the outlines of said Lot 1, the four following courses and distances viz: North 72 degrees 49 minutes 40

seconds East 319.74 feet, North 48 degrees 57 minutes 40 seconds East

399.00 feet, South 40 degrees 26 minutes 30 seconds East 557.20 feet

Being a part of the parcel of land designated as Parcel 1 in a deed dated November 18, 1970 and recorded among the Land Records of

Baltimore County in Liber O.T.G.No. 5144 folio 456 which was conveyed

Together with the right and use thereof in common with others entitled thereto, their heirs and assigns, of a right of way 20 feet

and North 66 degrees 09 minutes 40 seconds East 1156.86 feet to the

Containing 9.818 Acres of land more or less.

by Gordon G. Fower to Gordon G. Power, Jr. et al.

or North 30 degrees 24 minutes East 302.85 foot line of the first herein

of Baltimore County in Liber E.H.K.Jr. No. 7124 folio 171, thence

20 Foot Right of Way now laid out and South 86 degrees 26 minutes 15

336

CARL L. GERHOLE PHILIP E. CROSS JOHN F. ETERL WILLIAM & ULRICH GORDON T, LANGDON

GERHOLD, CRCSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

described as follows to wit:

from Green to Kellner.

wide which includes an existing traveled road which leads from the

herein described parcel of land in a southerly and northwesterly

direction to the J. M. Pearce Road, the centerline thereof being

Beginning for the same at an iron pipe set at the beginning of

the third line of the herein described parcel of land and running thence

and binding in the center of an existing traveled roadway and for the

and binding in the center of an existing traveled roadway and for the center of said right of way 20 feet wide, the eleventfollowing courses and distances viz: South 10 degrees 47 minutes 40 seconds East 559.75 feet, South 70 degrees 45 minutes West 97.44 feet, North 85 degrees 45 minutes West 68.26 feet, North 71 degrees 15 minutes West 178.88 feet, North 63 degrees 45 minutes West 254.24 feet, North 60 degrees 16 minutes West 189.77 feet, North 54 degrees 16 minutes West 210.88 feet, North 45 degrees 47 minutes West 201.19 feet, North 75 degrees 17 minutes West 53.58 feet, South 68 degrees 13 minutes West 178.26 feet and North 79 degrees 38 minutes "est 85.39 feet to the center of J. M. Pearce Road: the herein described 20 foot right of way contains for

Pearce Road; the herein described 20 foot right of way contains for

a part the existing roadway referred to in the herein referred to deed

JOHN F. ETZEL

WILLIAM G. ULRICH

GORDON T. LANGEON

DAVID E. RANSONE

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 B23-4470

PAUL &. DOLLENBERG FRED H. DOLLENBERG

November 8, 1988

Lot 1

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the beginning of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 747 was conveyed by Varrell Power Larson et al to Gordon G. Power, Jr. et al and running thence and binding on the first and second lines of said parcel of land, the two following courses and distances viz: South 66 degrees 09 minutes 40 seconds West 983.03 feet and South 86 degrees 26 minutes 15 seconds West 912.68 feet to the north side of a right of way, 20 feet wide, described in a deed from Gordon G. Power, Jr. et al to Carl A. Larson and wife dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 751, thence binding on the north side of said right of way and running with and binding on the third, fourth, f 'th and sixth lines of the first herein referred to parcel of land which was conveyed by Larson to Power, the four following courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 88 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76 feet to the center of J. M. Pearce Road, thence binding in the center of said Road and running with and binding on a part of the seventh line of said last mentioned parcel of land, South 30 degrees 24 minutes West 10.65 feet to the center of an existing traveled road, thence leaving said J. M. Pearce Road and binding in the center of said traveled road and binding in the center of said 20 foot right of way, the eleven following courses and distances viz: South 79 degrees 38 minutes East 85.39 feet, North 88 degrees 13 minutes East 178.26 feet, South 75 degrees 17 minutes East 53.58 feet, South 45 degrees 47 minutes East 201.19 feet, South 54 degrees 16 minutes East 210.88 feet, South 60 degrees 16 minutes East 189.77 feet, South 63 degrees 45 minutes East 254.24 feet, South 71 degrees 15 minutes East 178.88 feet, South 85 degrees 45 minutes East 68.26 feet, North 70 degrees 45 minutes East 97.44 feet and North 70 degrees 45 minutes East 28.04 feet to intersect the eighteenth or North 21 degrees 13 minutes West 208.94 foot line of the first herein referred to parcel of land which was conveyed by Larson to Power and thence running with and binding on a part of said eighteenth line and on the nineteenth and last lines of said parcel of land, the three following courses and distances viz: North 21 degrees 13 minutes West 11.00 feet, North 68 d grees 47 minutes East 1003.35 feet and North 16 degrees 09 minutes 10

Containing 21.160 Acres of land more or less.

seconds West 587.76 feet to the place of beginning.

Subject to and together with the right and use thereof in common with others entitled thereto, their heirs and assigns, of the 20 foot right of way described in a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio

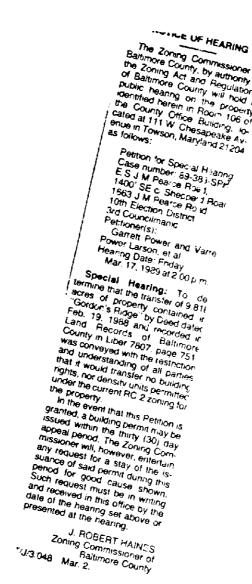
PHILIP K. CROSE JOHN F. ETZEL WILLIAM G. ULRICH GORDON T. LANGDON DAVID E. RANSONE

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

PAUL G. DOLLENBERG FRED H. DOLLENBERG

751 was conveyed by Gordon G. Power, Inetal to Carl A. Larson and wife.

Being a part of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 747 was conveyed by Varrell Power Larson et al to Gordon G. Power, Jr., Garrett Fower and Stephen V. Power.



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN. a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive

THE JEFFERSONIAN.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

J. Carroll Holzer, Esquire

place of beginning.

November 7, 1989

Dennis F. Rasmussen

Suite 105, 305 W. Chesapeake Avenue Towson, Maryland 21204 RE: PETITION FOR SPECIAL HEARING Garrett Power and Gordon G. Power- Petitioners

Case No. 89-383-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Robert Haires Zoning Commissioner for Baltimore County

cc: Peoples Counsel,

cc: Mr. and Mrs. Carl A. Larson, 16631 Pearce Road, Monkton, Md. 21111

cc: Ms. Cynthia E. Riley, 19024 York Road, Parkton, Maryland 21120

cc: Mr. Robert Kellner, 16611 J.M. Pearce Road, Monkton, Md. 21111

cc: Mr. Neil Schechter, 233 E. Redwood Road, Baltimore, Maryland 21202

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-383-5P4 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

or determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by Deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property			
	which is the subject of this Petition.	MAP (=135		
	1 1 0 (2)	3/=		
Contract Purchaser:	Legal Owner(s):	E. D. 10 2		
	GARRETT POWER	DATE 4-5-59		
(Type or Print Name)	(Type or Print Name)	DAIR		
	Legent laves	200		
Signature	Signature	1000 12 F.		
	GORDON G. POWER	DP		
Address	(Type or Print Name) Cyclon () own.			
City and State	Signature (See attached sheet for additional owners)			
Attorney for Petitioner:				
J. Carroll Holzer, Esquire	Address Phone No.			
(Type or Print Name)				
Signature	City and State			
305 W. Chesapeake Ave., S-105	Name, address and phone number of legal owner, con-			
Address	tract purchaser or representative to be contacted			

ORDERED By The Zoning Commissioner of Baltimore County, this day
19 29, that the subject matter of this petition be advertised, as
quired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
t Raltimore County, that property be posted, and that the public hearing be had before the Zoning
a putting of the Poor 108 County Office Building in Towson, Baltimore
ommissioner of Baltimore County in Rould 100, County onto 2, at 2, o'clock ounty, on the day of day of, 19_8 ?, at o'clock

Reset for 4/6/89 at 9:000.

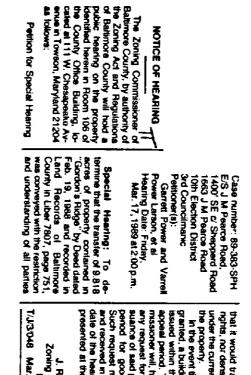
Towson, Maryland 21204

Legal Owner(s):

Signature/

VARRELL POWER LARSON

CERTIFICATE OF PUBLICATION



THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of __l__ successive weeks, the first publication appearing on Man 2, 19 δT .

TOWSON TIMES.

5. Zehr Orlan

PO 10432 reg M27056 prico \$114.34 Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissione

February 22, 1989

NOTICE OF HEARING



Dennis F. Rasmussen The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-383-SPH E/S J M Pearce Road, 1400' SE c/ Shepperd Road 1663 J M Pearce Road 10th Election District - 3rd Councilmatic Petitioners: Garrett Power and Varrell Power Larson, et al HEARING SCHEDULED: FRIDAY, MARCH 17, 1989 at 2:00 p.m.

Special Hearing: To determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by Deed dated Feb. 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No.	a buildin	ng permit may be issued mmissioner will, howev .d permit during this fiting and received in
DATE	. *			esented at the hearing.
4	ACCOUNT	1000		
RECEIVED FROM:	AMOUNT_\$	a Contract of the		
OR:				
TON LIA			· · · · · · · · · · · · · · · · · · ·	

mmissioner will, however,

J. Carroll Holzer, Esq.

J. Robert Haines

Date: 3-8-89

Dennis F. Rasmussen

305 W. Chesapeake Avenue, Suite 105 Towson, Maryland 21204

Re: Petition for Special Hearing CASE NUMBER: 89-383-5PH E/S J M Pearce Road, 1400' SE c/ Shepperd Road

1663 J M Pearce Road 10th Election District + 3rd Councilmanic Petitioners: Garrett Power and Var: . Power Larson, et al HEARING SCHEDULED: FRIBAY, MARCH 17, 1888 at 2:00 p. .. 4.6-89 at 9:00 am

Dear Mr. Holzer:

Please be advised that \(\frac{\frac{144.3\frac{1}{24.3}}{144.3\frac{1}{24.3}}}{15}\) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

Zoning Commissioner of Baltimore County

COUNTY OF SAN BERNARDING

My Commission Expires

STATE OF CALIFORNIA, COUNTY OF SAN BETWARDNO , TO WIT:

I HEREBY CERTIFY that on this 16th day of November, 1988, before me, the subscriber, a Notary Public of the State of California, personally satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that aforegoing Deed to be his act, and in my presence, signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

PEGGY R. LILES NOTARY FUELIC SAN BERNASCIND COUNTY My Commission Expires March 31, 1992

PURSUANT TO THE PROVISIONS of Article Tax Property Section 13-203(b), the undersigned Grantees hereby make oath that the residence on the property described in the Deed to which this Affidavit is attached will be occupied by the Grantees.

Subscribed and Sworn to this 21st day of November, 1988.

My Commission Expires July 1, 1990

RONALD L. MAHER J. CARROLL HOLZER OF COUNSEL J. HOWARD HOLZER HOLZER, MAHER, & DEMILIO 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 625-6960

WASHINGTON, D.C. OFFICE 225 SHOREHAM BUILDING 601 15TH STREET, N.W. WASHINGTON, D.C. 20005 PLEASE REPLY TO:

January 20, 1989 #6391

Mr. Robert Haines Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 2 204

> RE: Gordon's Ridge Petition for Special Hearing

Dear Mr. Haines:

It is my desire to resolve the problem of Gordon's Ridge, which has been informally presented to your office concerning the transfer in February 19, 1988 of 9 acres of property with no building rights nor density units attached thereto. It is my client's desire to resolve this issue by way of a confirmatory deed which sets forth that limitation in the deed. Because of a third party purchaser, who has also been in contact with you, and who is represented by Eric DiNenna, having business commitments and a timeframe which requires immediate action, I would request, in the event a confirmatory deed approach is not approved, that you accept the enclosed Petition for Special Hearing, description and plats immediately without the need for obtaining the normal pre-review interview.

Secondly, providing an emergency hearing date in the near future which would allow this problem to be resolved for the benefit of all parties.

It is the net effect of our request to establish that the parties are not attempting to obtain additional building v ...ts in violation of any of the Baltimore County regulations, but simply to confirm what is permissible under existing law.

Thank you very much for your cooperation.

Very truly yours, Kung-J. Carroll Holzer

JCH:mlg

PHILIP K. CRESS JOHN F. ETTEL WILLIAM &. ULRICH GORDON T. LANGEON

DAVID E. HANSONE

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204

PAUL G. BOLLEHBERG PAED H. DOLLENBERG CARL L. GERHOLD

November 8, 1988 823.4470

Lot 2

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Eeginning for the same at a point in the center of J. M. Fearce Road and in the seventh or South 30 degrees 24 minutes West 116.17 foot line of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7807 folio 747 was conveyed by Varrell Fower Larson et al to Gordon G. Power, Jr. et al, said point being distant South 30 degrees 24 minutes West 10.65 feet measured along said seventh line from the beginning thereof and running thence with and binding on a part of said seventh line and on the eighth line of said parcel of land and binding in the center of J. M. Pearce Road, the two following courses and distances viz: South 30 degrees 24 minutes West 105.52 feet and South 20 degrees 39 minutes West 92.78 feet, thence leaving J. M. Fearce Road and running with and binding on the ninth through the seventeenth lines inclusive of said parcel of land which was conveyed by Larson to Power, the nine following lines viz: South 87 degrees 00 minutes 20 seconds East 58.25 feet, Northerly by a line curving to the right having a radius of 370 feet for an arc distance of 12.00 feet (the chord of said arc bearing North 5 degrees 19 minutes 24 seconds East 12.00 feet), South 87 degrees 00 minutes 20 seconds East 265.38 feet, South 43 degrees 37 minutes
East 413.02 feet, South 71 degrees 39 minutes East 164.59 feet, South
59 degrees 21 minutes East 165.20 feet, South 81 degrees 11 minutes 20 seconds East 329.01 feet, South 10 degrees 31 minutes 10 seconds East 71.51 feet and North 79 degrees 28 minutes 50 seconds East 255.55 feet, thence running with and binding on a part of the eighteenth line of said last mentioned parcel of land, North 21 degrees 13 minutes West 197.94 feet to the center of an existing traveled road mentioned in the deed from Richard M. Green et al to Robert C. Kellner et al dated March 21, 1986 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 7124 folio 171 and to the center of a right of in Liber E.n.K.Jr. No. (124 10110 1/1 and to the center of a right of way 20 feet wide described in a deed from Grodon G. Power, Jr. et al to Carl A. Larson and wife dated February 19, 1988 and recorded among the Land Records of Paltimore County in Liber 3.4.No. 7807 folio 751, thence binding in the center of said 20 foot right of way and binding in the center of said traveled road there situate, the eleven following courses and distances viz: South 70 degrees 45 minutes West 28.C4 feet, South 70 degrees 45 minutes West 97.44 feet, North 85 degrees 45 minutes West 68.26 feet, North 71 degrees 15 minutes West 178.88 feet, North 63 degrees 45 minutes West 254.24 feet, North 60 degrees 16 minutes West 189.77 feet, North 54 degrees 16 minutes West 210.88 feet, North 45 degrees 47 minutes West 201.19 feet, North 75 degrees 17 minutes West 53.58 feet, South 88 degrees 13 minutes West 178.26 feet and North 79 degrees 38 minutes West 85.39 feet to the place of beginning.

Containing 6.433 Acres of land more or less.

DEEC - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM Det to Mr Leene &Mr Boldicord

212+. day of NOVEMBER----/in the year one thousand nine hundred and eighty-eight------ by and between CRDON G. POWER, JR., of the State of California; GARRETT POWER, and STEPHEN V. POWER---;-----the County of Bultimore, State of Maryland, parties of the first part, and JROBERT A. KEAN and R. CHRISTOPHER PEDDICORD, parties-----

of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED TWENTY THOUSAND DOLLARS AND NO CENTS (\$120,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged,----the said GORDON G. POWER, JR., GARRETT POWER and STEPHEN V. POWER-----

do -----grant and convey to the said ROBERT A. KEAN AND R. CHRISTOPHER PEDDICORD, as joint tenants, and not as tenants in common, their assigns, the survivor of them, and the survivor's heirs,

personal representatives AKKAKAKANA assigns ______in fee simple, all that---lot of ground situate in the County of Baltimore, State of Maryland----and described as follows, that is to say:

FOR DESCRIPTION, SEE SCHEDULE A attached hereto and made a part hereof as written by Philip Kenneth Cross, State of Maryland Registered Land Surveyor No. 3615, on November 8th, 1988.

3 B 127****10200003 F12--

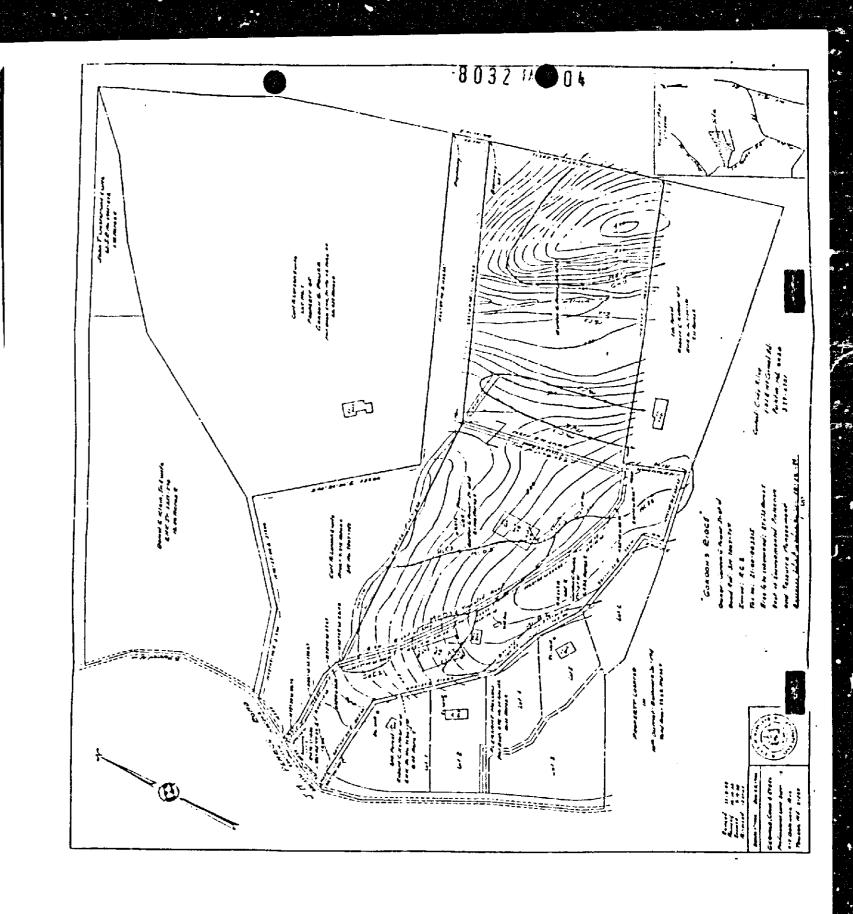
GERHOLD, CROSS & ETZE Registered Professional Land Surveyor 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

EMERITUS PAUL G. DOLLENBERG FRED H. DOLLENBERS CARL L. GERHOLD

Subject to and together with the right and use thereof in common with others entitled thereto, their heirs and assigns, of the 20 foot right of way described in a deed dated February 19, 1988 and recorded among the Land Records of Faltimore County in Liber S.M.No. 7807 folio 751 was conveyed by Gordon G. Power, Jr. et al to Carl A. Larson and wife.

Being a part of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Ealtimore County in Liber S.M.No. 7807 folio 747 was conveyed by Varrell Power Larson et al to Gordon G. Fower, Jr., Garrett Fower and Stephen V. Power.

Being known as 672 as shown on a plut attached herewill and Made Port of.



TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said described lot ----- of ground and premises to the said ROBERT A. KEAN and R. CHRISTOPHER PEDDICORD, as joint tenants and not as tenants in common, their assigns, the survivor of them, and the survivor's heirs,----

----- personal representatives NAMENAXX and assigns -----, in fee simple.

And the said part ies of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hand s and seal s of said grantor s.

State of Maryland, Baltimore---, to wit:

sealed the same.

alar day of November----. I HEREBY CERTIFY, That on this in the year one thousand nine hundred and eighty-eight----- before me, the subscriber, a Notary Public of the State aforesaid, personally appeared GARRETT POWER----one of the Grantors herein----known to me (or satisfactorily proven) to be the person ____ whose name ____ is xex subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and

In Wirness Whereor, I bereunto set my hand and official seal.

My Commission expires RECEIVED FOR TRANSFER

July 1, 1990

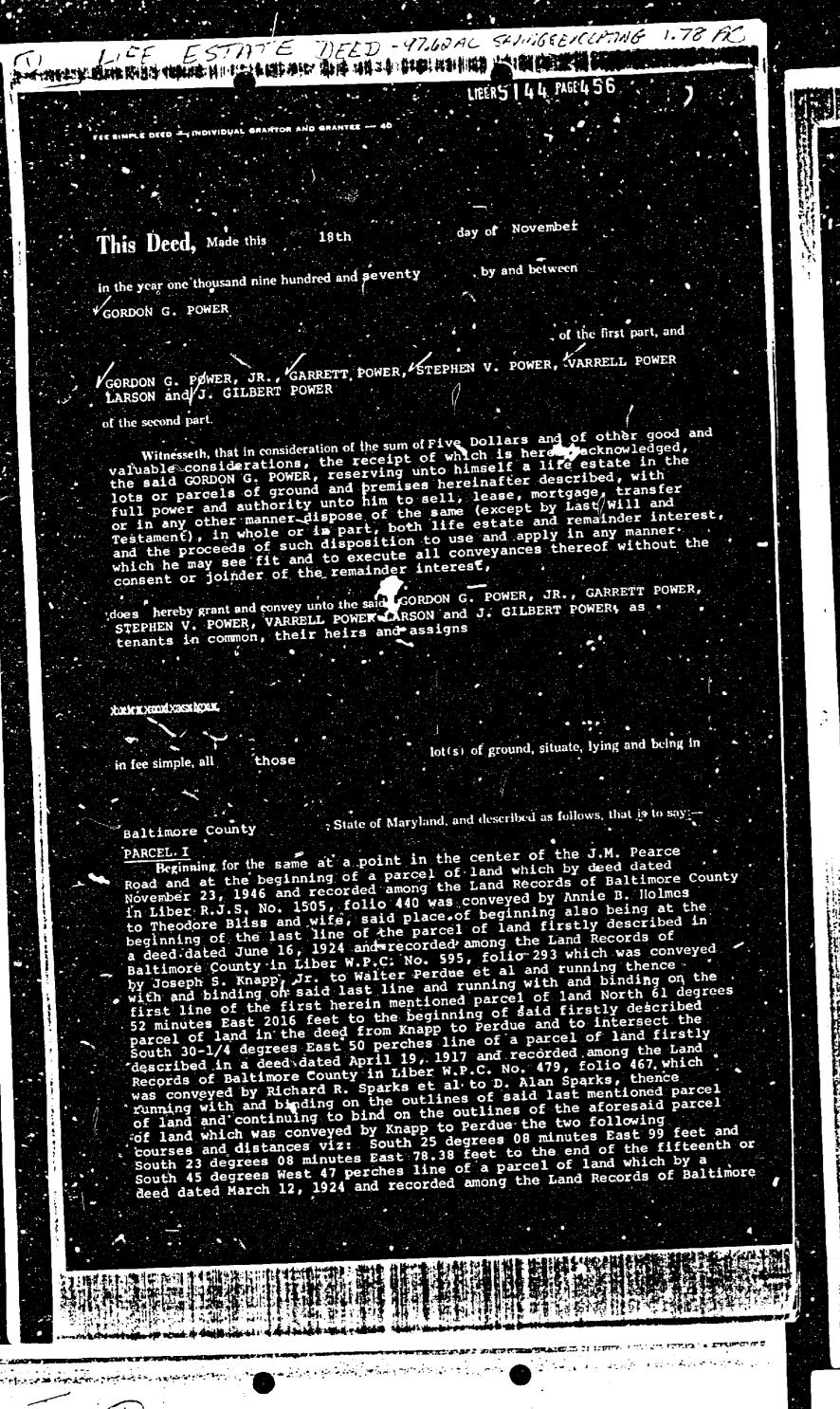
Assessments & Taxation for Baltimore County STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT: I HEREBY CERTIFY that on this 19th day of November, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared STEPHEN V. POWER, one of the Grantors herein, and known to me (or satisfactorily proven) to be the person who have is subscribed to the within instrument, and sealed the same.

State Department of

IN WITNESS WHEREOF, I hereword set my hand and official seal My Commission Expires July 1, 1990

WILLIAM &. ULRICH GORDON T. LANGDON DAVID E. RANSONE

AGRICL.



LIBER 5 8 4 2 PAGE 3 1 3 DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM This Deed, MADE THIS 15th in the year one thousand nine hundred and seventy-seven of the County of Baltimore, State of Maryland, Grantor of the first party and sections WILLIAM G. HANNAN and SHARON C. HANNAN, his wife, Grantees, ---of the second part. WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, to him in hand paid, the receipt of

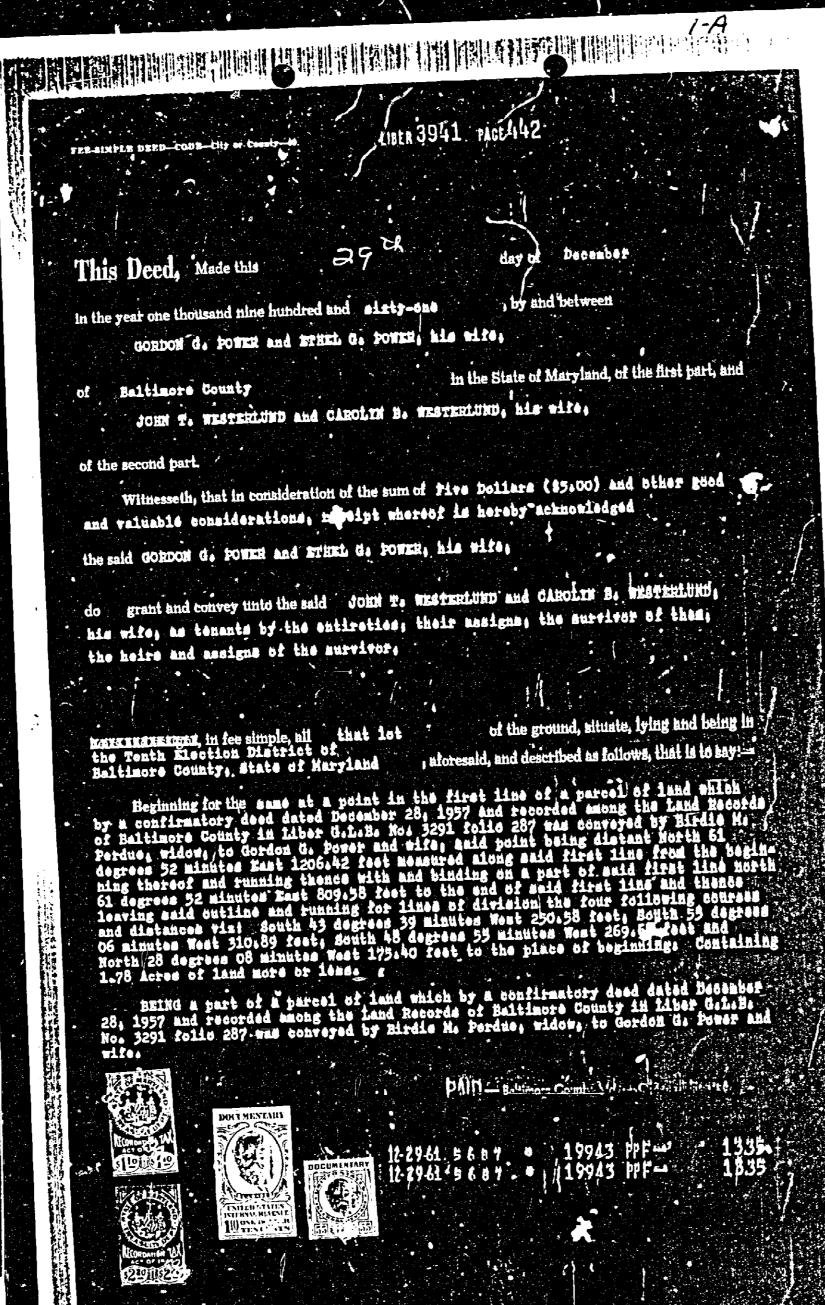
which is hereby acknowledged, the said ' Grantor -----

du es grant and convey to the said Grantees, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor,

personaboration with the same and personable and that of ground situate in the Tenth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING at a point in the seventh or South 79 degrees 28 minutes 50 seconds West 993.30 foot line of Parcel I containing 97.62 Acres of land described in a Deed from Gordon G. Power to Gordon G. Power, Jr. et al dr.ed November 18, 1970, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5144, folio 456, said-point being distant South 79 degrees 28 minutes 50 seconds West 984.68 feet measured along said seventh line from the beginning thereof and running thence with and binding on a part of the seventh and eighth lines of said parcel of land. in all. South 79 degrees 28 minutes 50 seconds West 269.82 feet to the Southeast corner of Lot No. 6 as laid out on the Plat of Pleasant Hollow which plat is recorded among the Plat Records of Baltimore County in Plat Book C.T.G. No. 34 folio 132, thence binding on the easternmost outline of Lot No. 6 and on the northernmost outlines of Lots Nos. 6, 5, 4, 2 and l as laid out on said plat, the six following courses and distances, viz: North 10 degrees 31 minutes 10 seconds West 75 feet, North 81 degrees 11 minutes 20 seconds West 322.81 feet, North 59 degrees 21 minutes West 166.22 feet, North 71 degrees 39 minutes West 186.30 feet, North 43 degrees 37 minutes West 411.25 feet and North 87 degrees 00 minutes 20 seconds West 281.05 feet to the east side of J. M. Pearce Road as widened and shown on said Plat of Pleasant Hollow, thence binding on the east side of said road as widened, Northerly by a line curving toward the right having a radius of 370 feet for a distance of 12 feet, thence leaving said road and running for lines of division parallel with and distant 12 feet northerly and northeasterly at right angles from the northernmost outline of said Lots Nos. 1, 2, 4, 5 and 6, the six following courses and distances,

Walter R. Richardson Lirector of France EALTHLORE COULTY, MARYLAND, C 17 -30 77 Authorizes Syndry /-5//-64-14



是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就 我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人, LISER 5734 PLOE393 App. No. 110328

REAL ESTATE TITLE COMPANY, Unsurance Organian Keyser Euilding the broad Airfinia LE mington 9-3212 FEE SIMPLE DEED

This Deed, Made this in the year one thousand nine hundred and seventy-seven----by GORDON G. POWER, Life Tenant, of Baltimore County, State of Maryland, party of the first part; and WILLIAM G. HANNAN and SHARON C. HANNAN, his wife, of Baltimore County, State of Maryland, 2005350 13 17-77 2001465T 66*525.00 parties of the second part. 17-77 ZODINGE #####300 .

WITNESSETH that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part, pursuant to the powers vested in him in the Deed hereinafter referred to

do the grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives There and assigns, in fee-simple, all that lot or parcel of ground

situate, lying and being in Baltimore County, State of Maryland, -----and described as follows, that is to say :

BEGINNING for the same at the beginning of the seventh or South 79° 28' 50" West 993.30 foot line of the parcel of land firstly described in a deed dated November 18, 1970, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5144, folio 456, was conveyed by Gordon G. Power to Gordon G. Power, Jr., et al, and running thence with and binding on a part of said seventh line, South 79° 28' 50" West 984.68 feet, thence leaving said outline and running for lines of division the two following courses and distances, viz: North 21° 13' West 221.15 feet, and North 68° 47' East 1003.35 feet to intersect the sixth line of the aforesaid firstly described parcel of land in the deed from Power to Power; and thence running with and binding on a part of said sixth line, South 16° 09° 10" East 405.49 feet to the place of beginning. Containing 7.11 acres of land, more or less, as surveyed and described by Dollenberg Brothers, Registered

Surveyors on November 7, 1972. Together with the right and use thereof in common with others entitled thereto of the existing traveled driveway leading from the herein described parcel of land in a westerly direction to the J. M. Pearce Road.

BEING part of the firstly described parcel of ground as described in a Deed dated November 18, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5144, folio 456, which was granted and conveyed by Gordon G. Power unto Gordon G. Power, Jr., et al, reserving unto the said Gordon G. Power a Life Estate with full powers of sale and disposition, in exercise of which powers these presents are executed.

1.57520 it

his Decd. Made this in the year one thousand nine hundred and Seventy-Three , by and between CORDON G. POWER,

of Baltimore County, in the State of Maryland, Party----, of the first part, and DANIEL E. KLEIN, JR. AND HILARY H. KLEIN, hir wife, of the same place, Parties, --of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Pollars and other good and valuable considerations, the receipt when of is hereby acknowledged,

the said Gordon G. Power, in exercise of the nower and authority conferred upon him by the Deed hereinafter referred to,

dues hereby grant and conver unto the said Dentel E. Klein, Jr. and Hilary H. Klein, his wife, as tenants by the entireties, their assigns, the survivor of them, and the survivor's.

in fee simple, all that----- lot(s) of ground, situate, lying and being in

Baltimore County in the-----, State of Maryland, and described as follows, that is to say:-

Beginning for the same at a point in the center of the J. M. Pearce Road and at the beginning of the parcel of land firstly described in a deed dated November 18, 1970 and recorded among the Land Records of Paitte are County in Liber O.T.G. No. 5144 folio 456 which was conveyed by Gordon G. Power to Gordon G. Power, Jr. et al and thence leaving said road and running with and binding on a part of the first line of said parcel of land North 61 degrees 52 minutes Cast 1204.42 feet to the beginning of a purcel of land which by a deed dated December 29, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3941 follo 442 was conveyed by Gordon G. Power and wife to John T. Westerlund and wife, thence binding reversely on the last line of said parcel of land South 28 derices 03 minutes East 175.40 feet, thence leaving said outline and running for lines of division the four following courses and distances viz: South 48 degrees 55 minutes West, 61.33 feet. South 31 degrees 17 minutes 40 seconds West 645.80 feet, South 48 degrees of minutes 40 seconds West 395 feet and South 72 degrees 49 minutes 40 seconds West 773.64 fort to the beginning of the Seventeenth er North 3 degrees 49 minutes East 136.95 for 1 line of the aforesaid firstly described parcel of land in the deed from Gordon G. Tower to Gordon G. Power, Jr. et al and thence running with and binding on the second centh to last lines inclusive of said parcel of land and binding in the couter of the J. M. Fearce Road, the four following courses and distances viz: North 3 degrees to minutes East 195.95 feet, North 2 degrees 07 minutes West 127.08 feet, North 75 degree: 33 minutes West 165 feet and North 47 degrees 02 minutes West 163.60 feet to the place of beginning. Containing 12.30 Acres of Land more or less.

1286 3 5 €AFR 18

NOW-DENSING TRANSFER DOUTSON

This Deed, MADE THIS 19th day of Frierdary

in the year one thousand nine hundred and eighty-sight CORDIN G. POWER, JR., GARRETT POWER, STEPHEN V. POWER, VARRELL FOWER LARSON and of the first part, and

VCARL A. LARSON and VARREIL POWER LARSON, his wife,

of the second part.

WITNESSETH, That in consideration of the sum of Thirty-Five Thousand Dollars (\$35,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said parties of the first part

and described as follows, that is to say:

grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

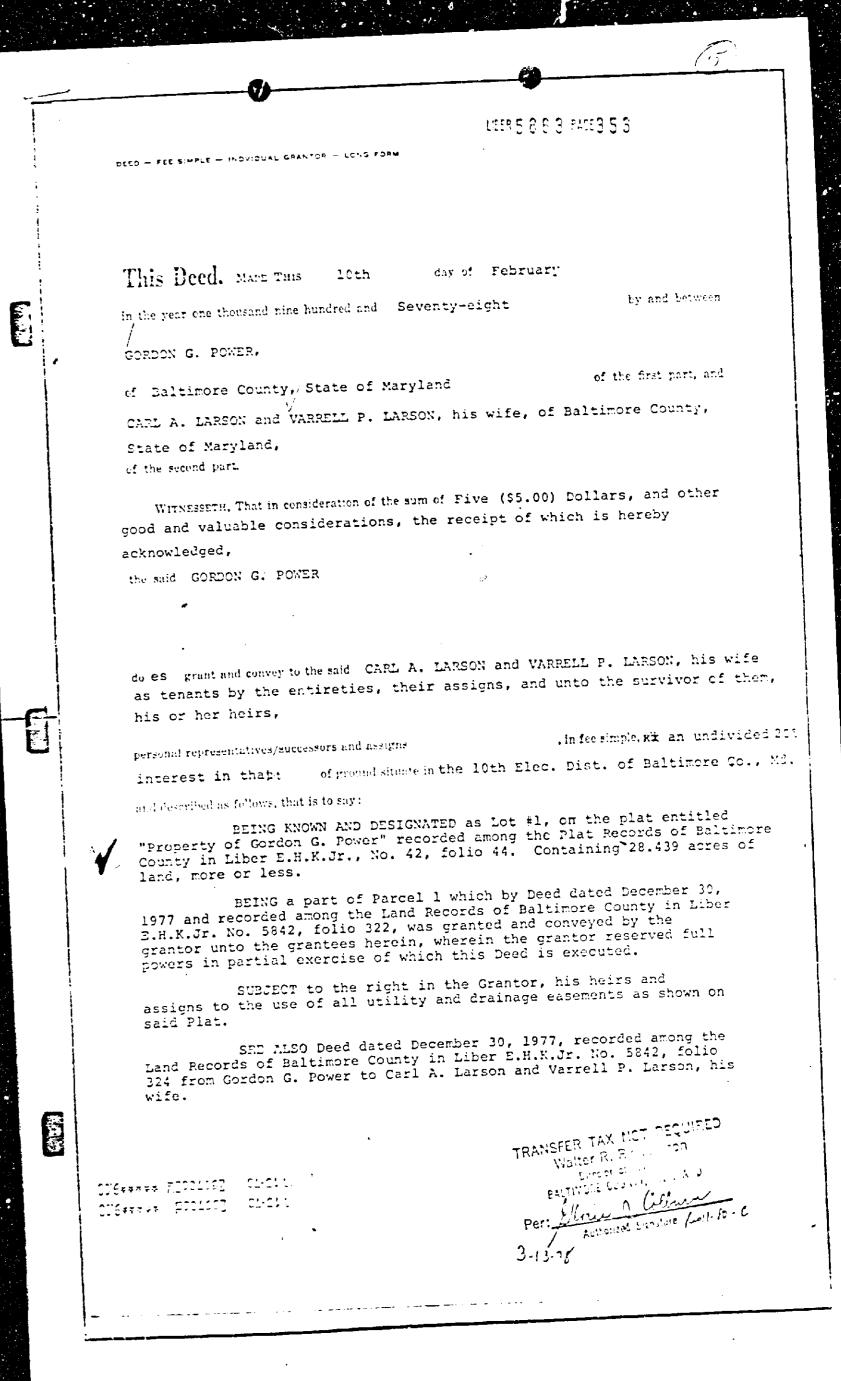
, in fee simple, all personal representatives/screpsurs and assigns of groun' situate in the 10th Election District of Baltimore County, State of Maryland,

ALL THAT LOT OF GROUND DESCRIBED IN EXHIBIT A ATTACHED HERETO.

B ROF 23.00 B T TX 175.00 D DOCS 175.00 373.00 SH CLERK #44563 COO2 ROZ T11:15 03/07/89 AGRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT

POWER AND MOSNER 21 W. SUSOLEHANNA AVE. TOWSON, KARYLAND 2204

B BING **** SCOOKE BC78:



RONALD L MAHER

T HOWARD HOLZER

HOLZER, MAHER & DEMILIO 305 W. CHESAPLAKE AVENUE TOWSON MARGLAND 21224 301 825 6960

[44 X1 825 e9e4

NASHINGTON DIC OFFICE 1723 D SALES STREET N.A. WASHINGTON DIG 20036

1

February 28, 1990

Mr. Robert Haines Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

RE: Case No. 89-383-SPH

Dear Mr. Haines:

As per your order in the aforementioned case dated November 9, 1989, enclosed please find a confirmatory deed which was recorded in the Land Records Office for Baltimore County on February 28, 1990 as per the enclosed copy of the receipt of the Clerk of the Circuit Court.

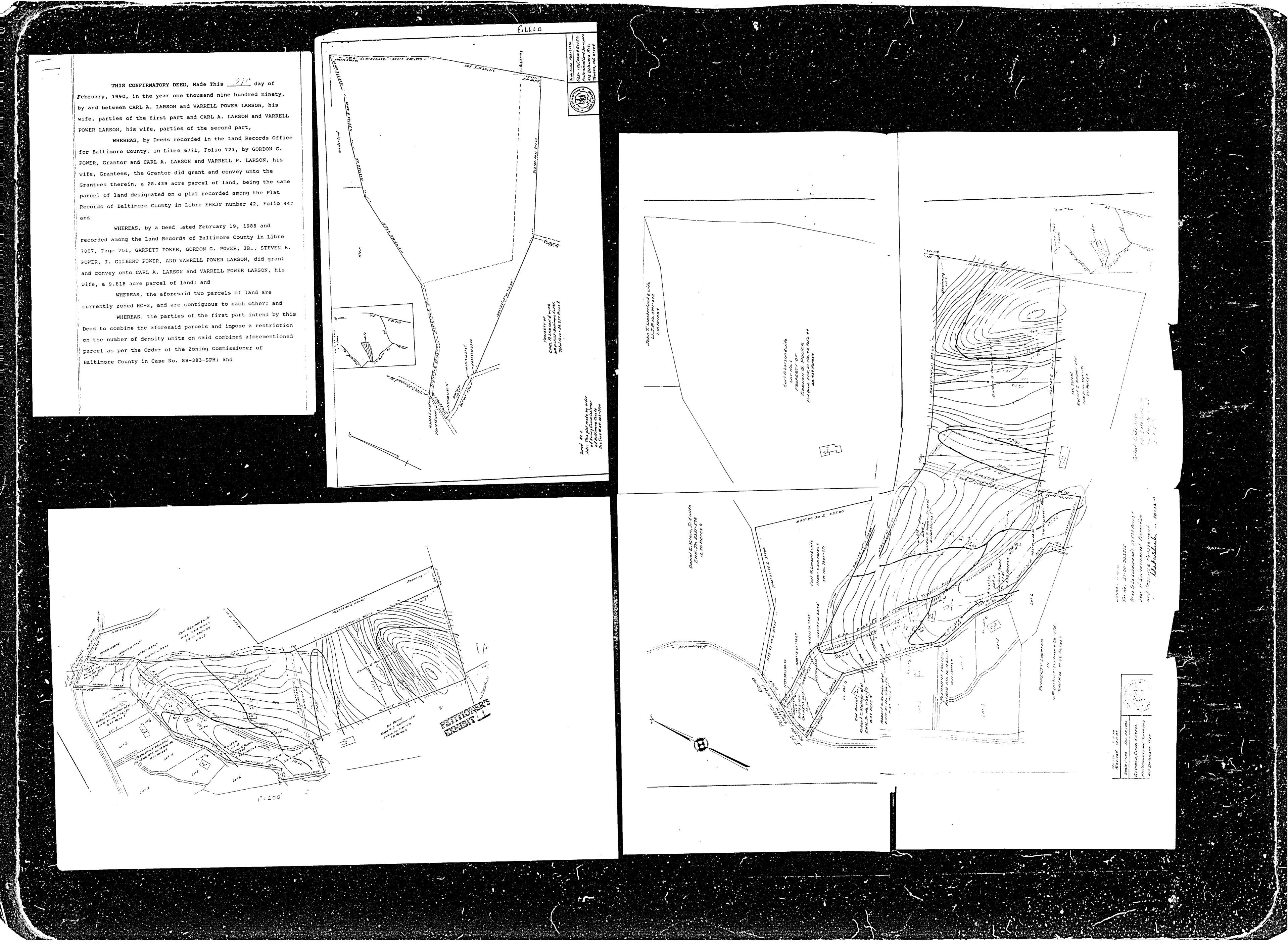
Attached to the confirmatory deed as Exhibit A is a new description of the combined lots and Exhibit B is the plat of the combined acreage.

As per your order, the confirmatory deed combines the two parcels of land and restricts the combined parcel to two density units.

If you have any questions, please contact me. very truly yours,

Muning-J. Carroll Holzer

enclosures



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING 69-383-858

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this __________, day of _________, 1989.

> ING COMMISSIONER Received by: Jros 2. Char Chairman, Zoning Plans

Advisory Committee

Petitioner Garnett Runcr Petitioner's Attorney J. Carroll Holzer

> On February 19, 1988, the five remaindermen transferred 9,818 acres (Parcel B on Exhibit 1) to Varrell P. Larson and her husband, Carl A. Larson, to be merged with the adjacent 28.439 acres parcel already owned by the Larsons (Parcel C on Exhibit 1). On the same date two of the remaindermen, Varrell P. Larson and J. Gilbert Power transferred their interests in the remaining 27.593 (Parcel A on <u>Exhibit 1</u>) acres to the other three remaindermen, Gordon G. Power, Garrett Power, and Stephen V. Power. There transfers were made in fulfillment of an agreement reached during the lifetime of Gordon G. Power, and with the understanding that the merger of Parcel B and C would be treated as a non-density transfer and that Parcel B was not to be used as a building lot.

The land in question is located in a R.C. 2 (Agricultural) Zone. Under area regulations the 37.411 acre parcel may be divided into two lots. The petitioners request approval of the merger of Parcel B with Parcel C as a non-density transfer, thereby permitting Parcel A to be subdivided into lots 1 and 2 (See Exhibit 1).

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

19024 YORK RD. PARKTON MD 71170 CYNTHIA E. RILEY 16631 NEARCE Rd Nlonkton 181 CALL LAKSON 11.11 J.M. Coares Rd 21111 Kry Killian 233 E. Ridwood St. Ball 21202 New Scheentr

J CARROLL HOLZER CAROLE S. DEMILIO OF COUNSEL I. HOWARD HOLZER

LAW OFFICES HOLZER, MAHER, & DEMILIO 305 W. CHESAPEAKE AVENUE TOWSON MARYLAND 21204

WASHINGTON, D.C. OFFICE 725 SHOREHAM BUILDING 801 15TH STREET N.W. WASHINGTON, D.C. 20005 PLEASE REPLY TO:

February 24, 1989 #6391

201. ME 31.702

Mr. Robert Haines Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

RE: Petition for Special Hearing 89/383-SPH - G. Power Hearing Scheduled: Friday, March 17, 1989 Case No.: 2:00 p.m.

Dear Commissioner Haines:

I just received notice that the above captioned case is set for hearing on Friday, March 17, 1989 at 2:00 p.m. That date happens to conflict with a scheduled hearing before the Honorable Judge Joseph Murphy in regard to the UPS appeal from the Board of Appeals. It is expected that the case will start in the morning and I know from past experience that we will go well into the afternoon.

I would therefore, regretfully request a postponement of the above date and a rescheduling of the hearing as promptly as possible.

Ver truly yours,

fund J. Carroll Holzer

JCH:mlg

cc: Mr. & Mrs. Carl A. Larson Mr. Stephen V. Power Dr. Gordon G. Power

Baltimore County Fire Department Towson, Maryland 21204 2586 494-4500 Paul H. Reincke

> J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore, County Office Building Towson, Maryland 21204

Re: Property Owner: Garrett Power, Gordon G. Power, Stephen V. Power, Rasmussen Varrell Power Larson, Carl A. Larson Location: 16631 J. M. Pearce Road

Item No.: 336

Zoning Agenda: 03/14/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- The vehicle dead end condition shown at end of lots 1 & 2 exceeds 300 feet. Standard cul-de-sac or tee-turn; around shall be required EXCEEDS the maximum allowed by the Fire Department.
- *(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time. * Panhandle roads 16 feet in width and 1000 feet in length shall serve a total of 5 lots. A waiver shall be required for roads less than 20 feet in width and in excess of 1000 feet in length.

REVIEWER: Cat freel Tells 3 10 89 APPROVED:
Planging/Group Special Inspection Division

DINENNA, MANN & BRESCHI ATTORNEYS AT LAW

St. 17E (400) MERCANTILETIAL SON BUILDING 60% WASHINGTON AVENUE TOXISON MARYEAND 20208

+391+275-6820

31 3

- 再压AX (501) 2 光-6884

January 17, 1989

J. Robert Haines Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: J. M. Pearce Road Pedicord and Powers Property

Dear Mr. Haines:

Enclosure

5 ERIC DINENNA, PA

JAMES L. MANN. JR., PA

GEORGE A. BRESCHI, PA

GERALDINE A KLAUBER

FRANCIS X. BORGERDING

This is to confirm my conversation with you and your secretary that we are to have a meeting concerning the above-captioned matter on Monday, January 23, 1989, at 3:00 p.m. with Mr. Carroll Holzer, the attorney for Powers, the former owner of the subject property.

Please refer to a letter forwarded to you by O'Neil and Company, Cynthia E. Riley, Agent, as well as a letter from Robert A. Kean.

This meeting has to do with a property that was sold and has been settled upon based on an approved plan by Mr. Sheesley.

I am enclosing herewith copies of the two letters I referred to as well as a copy of the plan that we will be discussing.

very traly yours,

cc: Jeffrey F. Higdon, Esquire

RONALD L. MAHER

J. HOWARD HOLZER

J. CARROLL HOLZER CAROLE S. DEMILIO OF COUNSEL

Baltimore County

LAW OFFICES HOLZER, MAHER, & DEMILIO 305 W. CHESAPEAKE AVENUE SUITE 105 TOWSON, MARYLAND 21204 (301) 825-6960

WASHINGTON, D.C. OFFICE 225 SHOREHAM BUILDING 801 15TH STREET, N.W. WASHINGTON, D.C. 20005 PLEASE REPLY TO:

Fire #revention Bureau

Mr. Robert Haines Zoning Commissioner of

Towson, Maryland 21204 RE: Item No. 336, Case No. 89-383-SPH, Garrett Power-Petitioner Dear Commissioner Haines:

During the course of the hearing in the above captioned matter, you requested that I provide you with copies of the various deeds and recorded subdivision plats which reflected the history of the Power Property. Previously, I had obtained copies of deeds and plats which had been submitted to Mr. Sullivan in your office and put them in order with a cover sheet showing disposition of the various parcels. That Summary Sheet shows the following: Number (1), a life estate deed in 97.62 acres for the Power Property. (1A) establishes 1.78 acres previously conveyed to Mr. Westerlund, leaving a balance of 95.84 acres. That conveyance

was in November of 1970 which proceeded the enactment of the RC Zones. Number (2) is a January 29, 1971 conveyance of 9.41 acres plus a road widening of .9 acres to Pleasant Hollow, by a subdivision plat which created 6 lots. That conveyance also preceded the RC 2 Zone. Number (3) was April 6, 1973, a deed to Mr. Daniel Klein of 12.3 acres, again prior to the RC Zones. Clearly those conveyances legally complied with the existing Baltimore County law.

Number (4) is a recorded subdivision plat dated December 30, 1977, and an accompanying deed, which is Number (5) of February 10, 1978, conveying 28.439 acres to the Larsons. As of 1976, there were 73 acres at the time the RC 2 Zone was enacted, which by my calculations, provided the owner with 13 density units. Those units were reduced by 1 with the Larson conveyance, which left forty-five acres or approximately 9 permissible density units at the time after the Larson conveyance. Next, the conveyance of March 15, 1977, to Harmon (Kellner) of 7.11 acres left approximately 38 acres as of 1979 at which time the new zoning regulations for RC 2 went into effect on November 25,

Mr. Robert Haines April 20, 1989 Page two

Carroll Holzer, Esquire

As of November 1979, on the Plat filed to accompany the Special Hearing, we would have Lot 1, Lot 2 and the lot described as 9.8188 acres conveyed to Carl Larson, comprising that 38 acres which would have available to 2 density units.

If you are convinced by the evidence presented at the hearing that the conveyance to Carl Larson of the 9.818 acres was done with the intention of a non-density transfer, that would allow you to find the previous building permit issued on Lot 2 to have been a conveyance of 1 density unit with the remaining density unit attached to Lot 1, 21.160 acres.

I believe you would then be in a position to find that, not only the conveyance of the Power family to Carl Larson was done in conformity and with the understanding the non-density transfer, but that there would be a remaining building unit on Lot 1, which would resolve the issue.

I believe that by going through the deeds and the history of the transfer, taking into account the enactment of Bill 98-75 in 1975 with the then existing calculations and then the subsequent change in November of 1979 of the number of density units, that one can easily conclude that the various parcels disposed of out of the Power Farm were all done in accordance with the then existing zoning laws and regulations. It would further allow you to find that the 1 remaining building unit would attach to Lot 1.

I have tried to set forth the logic and the calculations from the deeds and the various conveyances in this letter, however, if you feel that additional discussion on my part would be appropriate, I would be more than happy to attempt to go through these conveyances with you personally. Thank you for your courtesy in this matter.

Very truly yours,

J. Carroll Holzer

JCH/blt

11 1989 II IV ZONING OFFICE

County Office Building

Phyllis Cole Friedman People's Counsel for Baltimore County Room 304, County Office Building 111 W. Chesapeake Avenue

OF BALTIMORE COUNTY

Towson, Maryland 21204 (301) 887-2188

: Case No. 89-383-SPH

I HEREBY CERTIFY that on this 10th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., S-105, Towson, MD 21204, Attorney for Petitioner.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER

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captioned matter. Notices should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or final

Please enter the appearance of the People's Counsel in the above-

E/S JM Pearce Rd., 1400' SE C/L

Shepperd Rd. (1663 JM Pearce

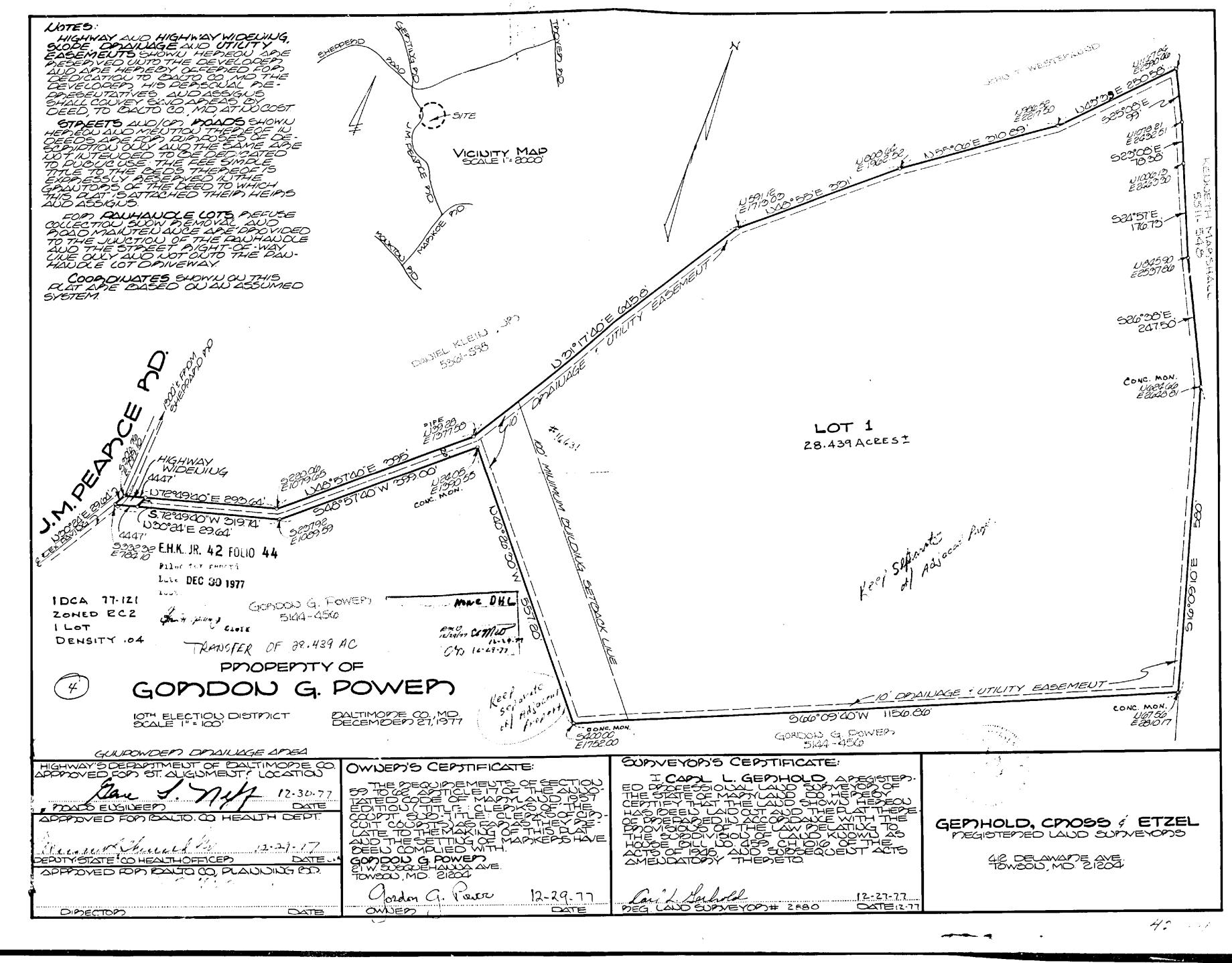
Rd.), 10th Election District;

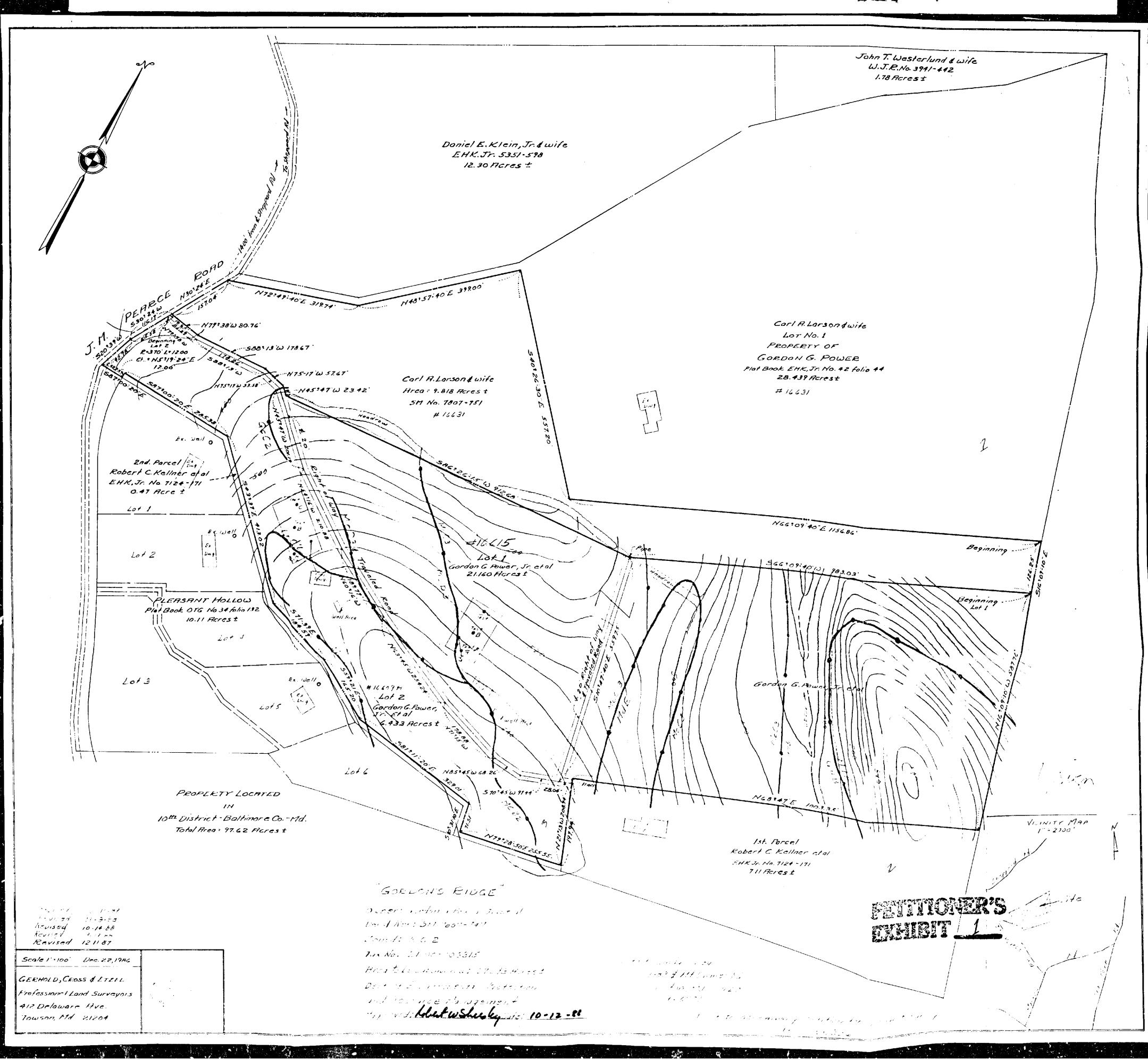
3rd Councilmanic District

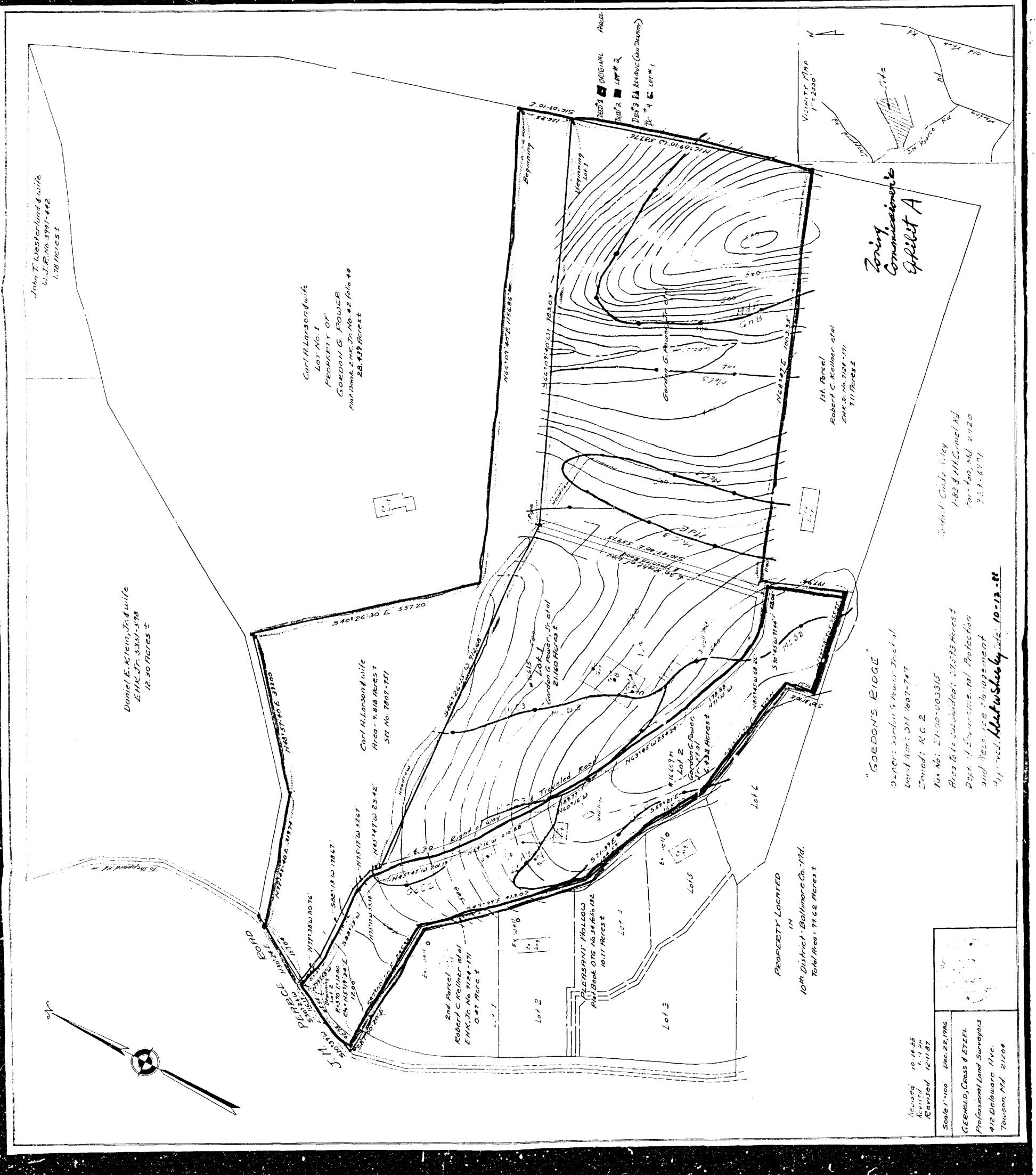
STEPHEN V. POWER, et al.,

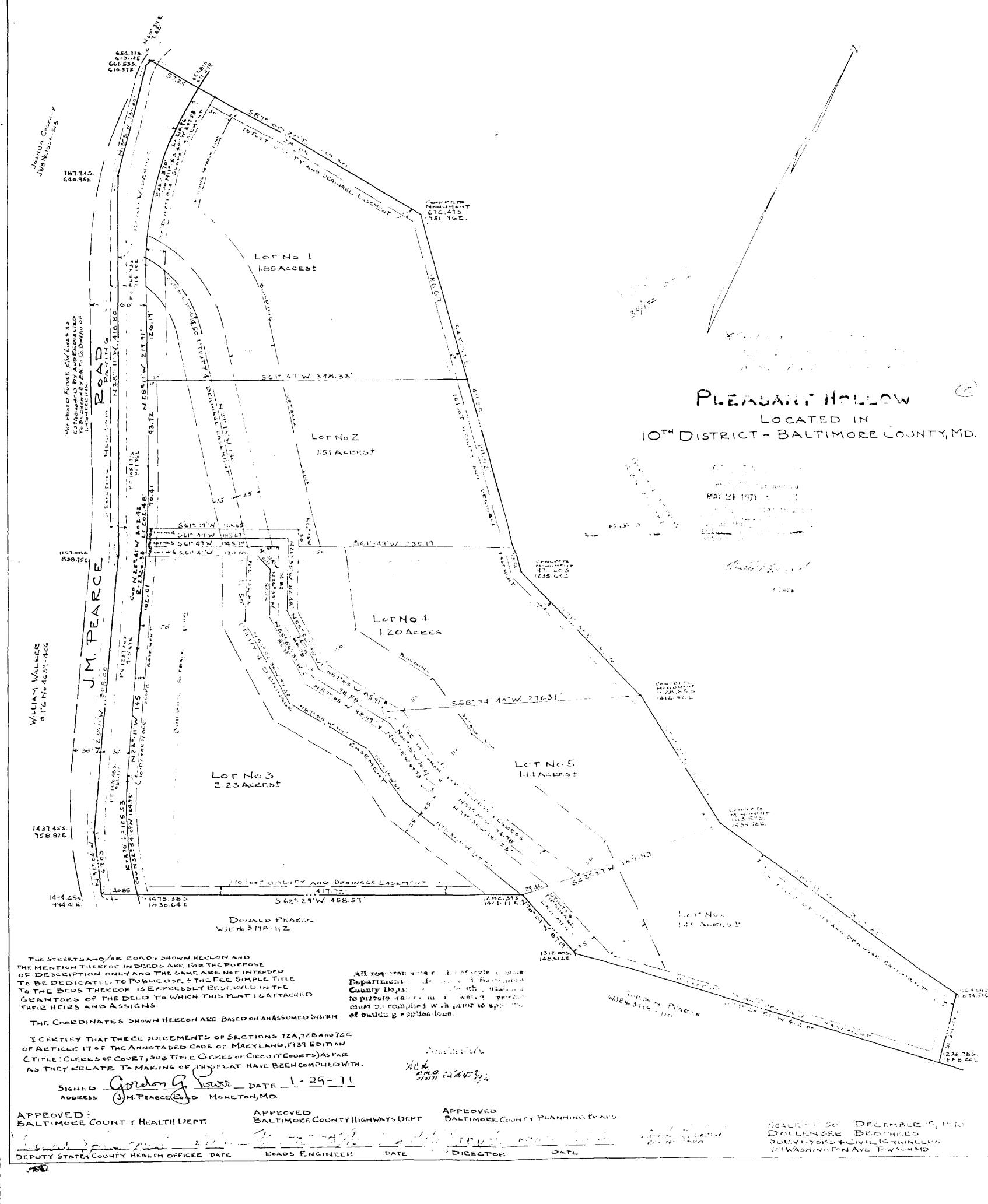
Petitioners

Phyllis Col Franchman Phyllis Cole Friedman









DINENNA, MANN & BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A BRESCHIL PA GERALDINE A. KLAUBER FRANCIS X. BORGERDING

MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820 TELEFAX (301) 296-6884

February 10, 1989

J. Robert Haines Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: J. M. Pearce Road Peddicord and Power's Property

Dear Mr. Haines:

This is to advise you that Mr. Carroll Holzer, Esquire has submitted to your office a Petition for Special Hearing pursuant to your instructions and the Petiti enjoys Item No. 336.

Accordingly, I am advising my clients that they may proceed with the permit processing for their lot and that as per your agreement, their permit will be approved as far as zoning is concerned.

By copy of this letter I am confirming this with Mr. Holzer and also sending a copy to Mr. Sullivan who is familiar with this matter.

Very truly yours.

S. ERIC DINENNA SED:cjc cc: Carroll Holzer, Esquire

c/o Jeffrey F. Higdon, Esquire

Mr. John Sullivan

Messrs. Kean and Peddicord

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

J. Carroll Holzer, Esquire 305 W. Chesapeake Avenue, Suite 105

RE: Petition for Special Hearing

Towson, Maryland 21204



Dennis F. Rasmussen

(1663 J M Pearce Road) 10th Election District - 3rd Councilmanic District Garrett Power, et al - Petitioners

Case No. 89-383-SPH

E/S J M Pearce Road, 1400' SE of the c/l of Shepperd Road

Dear Mr. Holzer:

JRH:bjs

cc: Case File

In response to your letter dated June 19, 1990 regarding the above-captioned matter, the following comments are offered.

July 9, 1990

Inasmuch as you have been unable to file a new record plat as required by Restriction No. 2 of the Order issued in the above-referenced matter and I understand the difficulties you have experienced in your attempts to comply with this restriction, I have agreed to accept the filing of the new deed for the subject property as sufficient. Please submit a copy of the recorded deed for inclusion in the case file at your earliest convenience.

Thank you for your attention in this matter.

ROBERT HAINES / Zoning Commissioner for Baltimore County

RONALD L MAHER J. CARROLL HOLZER CAROLE S. DEMELIO J. HOWARD HOLZER 1907-1989

LAW OFFICES HOLZER, MAHER & DEMILIO 305 W. CHESAPEAKE AVENUE SUITE 105 TOWSON, MARYLAND 21204 (301) 825-6960 FAX (301) 825-6964

WASHINGTON, D.C. OFFICE SUITE 700 1725 DESALES STREET, N.W. WASHINGTON, D.C. 20036

Mr. Robert Haines Zoning Commissioner of ZONING OFFICE Baltimore County County Office Building Towson, Maryland 21204

RE: Garrett Power sub-division, Case No.: 89-383-SPH

Dear Commissioner Haines:

I have previously written to you in regard to the recordation of a Confirmatory Deed and the inability on our part to file a record plat as per your order in the above captioned case. You indicated that you would confirm your position by letter.

If _ all possible I would appreciate receiving that confirmation in that my client would like to close this chapter of his difficulties with this particular sub-division and move on. Thank you very much for your cooperation.

. Carroll Holze

cc: Garrett Powers JCH:kls

Balimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

July 13, 1990

J. Carroll Holzer, Esquire 305 W. Ch∈sapeake Avenue, Suite 105 Towson, Maryland 21204

RE: Petition for Special Hearing E/S J M Pearce Road, 1400' SE of the c/l of Shepperd Road (1663 J M Pearce Road) 10th Election District - 3rd Councilmanic District Garrett Power, et al - Petitioners Case No. 89-383-SPH

Dear Mr. Holzer:

Subsequent to my letter to you dated July 9, 1990 regarding the above-captioned matter, I located your previous correspondence in which you forwarded to me the original copy of the deed in question.

I have made copies of the deed and attached plat for inclusion in our case file and am forwarding the original copies back to You. Said documentation complies with Restriction Nos. 1 and 2 of the Order issued in this matter on November 9, 1989.

Thank you for your attention in this matter.

UJ. ROBERT HAINES Zoning Commissioner

for Baltimore County

JRH:bjs

cc: Case File

RONALD L. MAHER I CARROLL HOLZER CAROLES DEMILIO

I HOWARD HOLZER

LAW OFFICES HOLZER, MAHER & DEMILIO 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

FAX (301) 825-c964

WASHINGTON, D.C. OFFICE 1725 DESALES STREET, N.W. WASHINGTON, D.C. 20036

May 11, 1990

Mr. Robert Haines Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

Re: Petitioner's Power

Case 89-383-SPH Dear Commissioner Haines:

I am writing to you as a result of our meeting last week at which time I presented to you the fact that my clients, the Powers have on February 27, 1990, recorded a Confirmatory Deed in the Land Record of Baltimore County which I am attaching hereto with the appropriate stamps indicating the liber and page number for that recordation. Attached to the Confirmatory Deed is a plat marked exhibit "B" which encompasses the restriction which was placed upon your approval of this transfer in your Order of November 9, 1989. The Confirmatory Deed and attached plat indicate for the record and to all third parties who may inquire in regard to this particular parcel, that the subject site is limited to two density units. I believe that the desire to protect innocent members of the public from acquiring the site and then discovering there were only two density units was the paramount purpose for which you placed the restrictions #1 and 2 in your Order.

In discussing the recording of a record plat in the Land Records of Baltimore County, which is the restrictions #2 in of your Order, the Clerk of the Court and people in charge of the Land Records indicate that the only way to record a record plat would be to go through the entire CRG process. It is not my understanding that you desire to require this procedure of the Powers. It is also my understanding that those in charge of the Lands Records of Baltimore County feel that there is no established procedure for recording such a plat with only two lots being the subject of the record plat.

RECEIVED MAY 1 5 1990

Mr. Robert Haines May 11, 1990 Page 2

I would therefore, respectfully request that you provide me with a letter indicating satis factory compliance with restrictions 1 and 2 of your Order dated November 9, 1989. As further protection and notice to prospective purchasers of the site, I will record your letters in the Land Records of Baltimore County which shows compliance with your Order.

Thank you very much for your consideration in this respect.

LIGER 8 4 1 5 PAGE 3 7

THIS CONFIRMATORY DEED, Made This 21th day of February, 1990, in the year one thousand nine hundred ninety, by and between CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the first part and CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the second part,

WHEREAS, by Deeds recorded in the Land Records Office for Baltimore County, in Libre 6771, Folio 723, by GORDON G. POWER, Grantor and CARL A. LARSON and VARRELL P. LARSON, his wife, Grantees, the Grantor did grant and convey unto the Grantees therein, a 28.439 acre parcel of land, being the same parcel of land designated on a plat recorded among the Plat Records of Baltimore County in Libre EHKJr number 42, Folio 44; 37 0

WHEREAS, by a Deed dated February 19, 1988 MADEL COOR ROS 119:51 recorded among the Land Records of Baltimore County in Libre 7807, Page 751, GARRETT POWER, GORDON G. POWER, JR., STEVEN B. POWER, J. GILEERT POWER, AND VARRELL POWER LARSON, did grant and convey unto CARL A. LARSON and VARRELL POWER LARSON, his wife, a 9.818 acre parcel of land; and

WHEREAS, the aforesaid two parcels of land are currently zoned RC-2, and are contiguous to each other; and WHEREAS, the parties of the first part intend by this Deed to combine the aforesaid parcels and impose a restriction on the number of density units on said combined aforementioned parcel as per the Order of the Zoning Commissioner of Baltimore County in Case No. 89-383-SPH; and TRANSFER TAX NOT REQUIRED AGRICULTURAL TRANSFER TAX RECEIVED FOR TRANSFER

Director of Finance
EALTHMORE COUNTY MARYLAND
Per R 2 Authorized Signature
Date 2-27-94 Sec. 11-85

State Department of Assessments & Taxa' 34

LIDER 8 4 1 5 PAGE 3 7 5

WHEREAS, the aforesaid 28.439 acres parcel contains two density units; and

WHEREAS, the Grantors and Grantees of the 9.818 acre parcel intended that it be conveyed with the restriction that there would be no transfer of building rights nor density units with said transfer; and

WHEREAS, a special hearing was requested before the Zoning Commissioner of Baltimore County to determine and affirm the number of density units with the aforesaid two parcels in case number 89-383-SPH; and

WHEREAS, after a hearing on said matter, it was ordered by the Zoning Commissioner for Baltimore County on or about November 9, 1989 in said case number 89-383-SPH, as follows:

(i) That the transfer of the aforesaid 9.818 acre parcel, dated February 19, 1938 and recorded in the Land Records of Baltimore County in Libre 7807, Page 751, shall be approved as a non-density transfer.

(ii) That a Deed shall be recorded among the Land Records of Baltimore County which shall combine the 28.439 acre parcel and the 9.818 acre parcel into one 38.257 acre parcel with a total of two density units.

(iii) That a new Record Plat shall be recorded in the Land Records of Baltimore County for the newly created 38.257 acre tract stating the existence of a total of two density units for said parcel and a limit of two lots on said